



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Kazuyuki Sakakibara, et al.

Serial No.: 09/707,723

Filed: November 7, 2000

For: Battery Pack with an Improved Cooling Structure

Attorney Docket No.: CTW-006

Group Art Unit: 1745

Examiner: Susy N. Tsang Foster

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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Date of Deposit November 7, 2003

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature

David R. Burns
David R. Burns

Please Print Name of Person Signing

TERMINAL DISCLAIMER

Dear Sir:

Petitioner, Makita Corporation, is the owner of 100% interest in the instant patent application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior U.S. Patent No. 6,566,005 ("the prior patent"). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior

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patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

Assignment document evincing that ownership of the present application and all patents that issue therefrom resides with Petitioner is appended hereto. The assignment document, attached hereto as "Appendix A", was recorded with the United States Patent Office on November 7, 2000, Reel No. 011275, Frame No. 0892.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned, which is Applicants' representative, is empowered to act on behalf of the Petitioner.

I hereby declare that I have reviewed the Assignment documents and certify, to the best of my knowledge and belief, that title to this patent application and to all patents that issue therefrom resides with the Petitioner.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For the Petitioner,

MAKITA CORPORATION

11/7/03
Date

David R. Burns
David R. Burns, Esq.
Registration No. 46,590
Attorney for Applicants